

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. 22-cr-00891-KG
)	
vs.)	
)	
JEFFREY DEAN BIDDLE,)	
)	
Defendant.)	

JOINT MOTION TO DECLARE CASE COMPLEX

The United States and Defendant Jeffrey Dean Biddle, through his attorney of record Gregory Garvey, hereby moves this Court to declare this matter a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). As grounds for the motion, the parties state:

On May 25, 2022, a grand jury returned a 5-count indictment charging Mr. Biddle with various child exploitation crimes. Doc. 17. Under the terms of the Speedy Trial Act, 18 U.S.C. § 3161 et seq., the trial of a criminal case must commence within 70 days of the later of the filing of the indictment, exclusive of excludable periods of delay. 18 U.S.C. § 3161(c)(1). In the absence of any excludable delays, the trial of the present case would have to commence within 70 days of May 25, 2022. *See* doc. 17 (date indictment was filed).

However, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), if a case is complex due to the nature of the prosecution, more time may be allotted in order to allow the parties adequate time to prepare for trial. Here, because of the nature of the charges and type of evidence involved, the parties are in agreement that this case should be designated complex. First, discovery in this case is voluminous. In addition to the reports and data pertaining to the current charges, discovery

also includes Mr. Biddle's prior state charges and convictions since Mr. Biddle faces heightened penalties based at least one of his prior convictions. In addition to the huge amount of discovery, because this case involves child pornography, the parties must comply with 18 U.S.C. § 3509(m). Logistically, that means there is some discovery that cannot be turned over directly to defense counsel since it may contain child pornography. Accordingly, defense has to view the discovery at a government facility which takes more time than normal review.

Given this, defense counsel needs time beyond the usual 70 days prescribed in the Speedy Trial Act to digest the discovery, conduct its own investigation, advise Mr. Biddle, conduct plea negotiations, file and litigate pretrial motions, and prepare for trial.

Thus, the parties request that this Court, for the reasons stated above, find that this case is "complex," pursuant 18 U.S.C. § 3161(h)(7)(B)(ii). The parties further request that this Court enter a discovery and case management schedule tailored to this case.¹ The parties further request that this Court find that the ends of justice served by the granting of this motion "outweigh the best interest of the public and the defendant[s] in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

Additionally, allowing time for such review and investigation may lead to the conservation of public and judicial resources, in that it may result in a resolution of the case without the need for trial. Thus, pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties believe that the ends of justice served by granting this motion outweigh the best interest of the public and the defendants in a speedy trial.

¹ The parties will submit a proposed scheduling order to the court by July 1, 2022.

WHEREFORE, based on the foregoing reasons, the parties jointly request that the Court enter an order: (1) designating the above-captioned case as a complex case; (2) vacating the existing trial and pretrial deadlines presently set in this case and allowing the parties to submit a proposed scheduling order; and (3) tolling the time limits of the Speedy Trial Act, as it pertains to defendants, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii).

Respectfully submitted,

ALEX M.M. UBALLEZ

UNITED STATES ATTORNEY

/s/ Electronically filed 6/17/2022

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Reviewed and approved by:

/s/Gregory Garvey

Gregory Garvey

Counsel for Jeffrey Dean Biddle

I HEREBY CERTIFY that I filed the foregoing pleading electronically through the CM/ECF system which caused the following parties or counsel to be served by electronic means, as reflected on the Notice of Electronic Filing, and other methods of service as indicated therein on June 17, 2022:

/s/
MARISA A. ONG
Assistant U.S. Attorney